UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	
RAHEEM FORD,	
Plaintiff,	
-V-	9:14-CV-01566 (DNH/DEP)
DANIEL MARTUSCELLO, JR., CAPTAIN SHANLEY, ERIC GUTWEIN, C.O. SEAN KING, D. WILLIAMS, C.O. F. COWAN, C.O. BELLAWA, LECLAIR,	
Defendants.	
APPEARANCES:	OF COUNSEL:
RAHEEM FORD Plaintiff pro se	

Plaintiff pro se
No. 98-A-3051
Fishkill Correctional Facility
P.O. Box 1245
Beacon, NY 12508

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DAVID N. HURD United States District Judge

## **DECISION and ORDER**

Pro se plaintiff Raheem Ford brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 23, 2016, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendants King, Williams and Cowan's motion to

dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. See ECF No. 52. No objections have been received.

Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. <u>See</u> 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

- 1. Defendants King, Williams and Cowan's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 31) is **DENIED**; and
- 2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

United States District Judge

Dated: September 22, 2016

Utica, New York